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EXAMINER	
KE, PENG	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JASON YI BLAKELY and ROBERT SELBY SIELKEN

Appeal 2008-004905
Application 09/864,547
Technology Center 2100

Decided: May 10, 2010

Before: JEAN R. HOMERE, STEPHEN C. SIU, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 1-32. We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We AFFIRM.

Introduction

According to Appellants, the invention is a method and graphical user interface (GUI) for displaying information in accordance with an associated locale (Abstract). Appellants' invention seeks to address the challenge of displaying information from multiple locales when each locale's language has unique characters that may need to be handled differently (Spec. 3, ll. 12-16).

STATEMENT OF THE CASE

Exemplary Claims

Claims 1 and 13 are exemplary claims and are reproduced below:

> 1. A method for displaying information in a display area comprising the steps of:
>
> associating a first set of information with a first locale designation;
>
> associating a second set of information with a second locale designation;
>
> displaying data from said first set of information in accordance with properties of said first locale designation; and
>
> displaying data from said second set of information in accordance with properties of said second locale designation,

said data from said first and second set of information displayed simultaneously on the display area.

13. A graphical user interface (GUI) comprising:

a first display area for displaying data from a first set of information in accordance with properties of a first locale designation; and

a second display area for displaying data from a second set of information in accordance with properties of a second locale designation.

Prior Art

Lebling	6,141,007	Oct. 31, 2000
Penn	US 2001/0051959 A1	Dec. 13, 2001

Rejections

Claims 13-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Penn.

Claims 1-12 and 23-32 stand rejected under 35 U.S.C. § 103(a) as being obvious over Penn and Lebling.

GROUPING OF CLAIMS

(1) Appellants argue claims 13-22 as a group on the basis of claim 13 (Br. 5). We select independent claim 13 as the representative claim. We will, therefore, treat claims 14- 22 as standing or falling with representative claim 13.

(2) Appellants argue claims 1-12 and 23-32 as a group on the basis of claim 1 (Br. 6). We select independent claim 1 as the representative claim. We will, therefore, treat claims 11-12 and 23-32 as standing or falling with representative claim 1.

We accept Appellants' grouping of the claims. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE 1

35 U.S.C. § 102(e): claims 13-22

Appellants argue their invention is not anticipated by Penn (Br. 8-10). Specifically, Appellants contend the Examiner does not apply the definition of the term "locale designation" as set forth in their Specification (Br. 6). Additionally, Appellants argue Penn provides no teaching or suggestion of information display within a GUI according to properties of a first and a second locale (Br. 9). Instead, according to Appellants, Penn displays all information according to the properties of one locale (*id.*).

In response, the Examiner maintains that Penn teaches associating information with a local designation that a user can select (Ans. 9). The user will then receive information for the chosen country and the text will be displayed in both English and the language of the chosen country (Ans. 10).

Issue 1: Has the Examiner erred in finding that Penn discloses a first display area for displaying data from a first set of information with properties of a first locale designation and a second display area for

displaying data from a second set of information, respectively with properties of a second locale designation?

FINDINGS OF FACT (FF)

Appellants' Invention

(1) "The locale designation represents a particular geographic area and has associated properties which define how the information should be displayed and sorted." (Spec. 1, ll. 13-16).

Penn

(2) Penn describes a tool for navigating the World Wide Web for location information (Abstract). A user can use the tool to navigate nations from one page (pg. 1, [0012] – [0013]). The page may include features such as menus for weather, time, dial telephone/communication device directly from the interface, currency converter, country facts, language translators, news, and other desired information (*id.*).

(3) A country page, for example, China, provides text in both English and Chinese (pg. 5, [0106] and Fig. 3A and 3B). The page can also be accessed and navigated in English and Chinese (*id.*). Other country pages offer dual or multiple language access and navigation features (*id.*).

PRINCIPLES OF LAW

The prior art may anticipate a claimed invention, and thereby render it non-novel, either expressly or inherently. *In re Cruciferous Sprout Litig.*, 301 F.3d 1343, 1349 (Fed. Cir. 2002). Express anticipation occurs when the prior art expressly discloses each limitation (i.e., each element) of a claim. *Id.* In addition, "[i]t is well settled that a prior art reference may anticipate when the claim limitations not expressly found in that reference are nonetheless inherent in it." *Id.*

ANALYSIS

After considering the totality of the circumstances before us, the Examiner's findings of anticipation with respect to claims 13-22 are not in error. We agree with the Examiner that Penn teaches displaying a first display area (i.e., People's Daily) with properties of a first locale designation (i.e., English language) and a second display area  with properties of a second locale designation (i.e., Chinese language). Appellants attempt to further define "locale designation" by including what a "locale designation" may *generally be*; however, this is merely an example of what a "locale designation" may be and not a definition (Br. 6). Thus, we find Penn teaches the invention as recited in claim 13.

ISSUE 2

35 U.S.C. § 103(a): claims 1-12 and 23-32

Appellants assert that their invention is not obvious over Penn and Lebling (App. Br. 8-11). Specifically, Appellants contend that although Lebling teaches displaying multiple workspaces simultaneously, neither

Penn nor Lebling teaches "associating different sets of information within a GUI window with different locale designations" (Br. 10). Appellants contend that absent this teaching, no motivation exists to combine Penn and Lebling as the result would be a display of multiple country information, each having the same locale designation (Br. 11).

The Examiner finds Lebling teaches simultaneously displaying two web pages of two different countries (Ans. 10). Additionally, the Examiner finds Lebling suggests using two windows and thus, it would have been obvious to combine Lebling's teaching with Penn's method to have multiple windows (*id.*). Lastly, the Examiner asserts Appellants are arguing limitations not recited in the claims and even if they were, Penn teaches the features. (Ans. 10-11).

Issue 2: Have Appellants shown the Examiner erred in finding Lebling and Penn teach "associating a first set of information with a first locale designation" and "associating a second set of information with a second locale designation?"

FURTHER FINDINGS OF FACT (FF)

Lebling

(4) Lebling teaches a method and computer graphical user interface for displaying a workspace that includes non-overlapping, cooperating panels (Abstract).

(5) Conventional display of information for a newsroom environment, would be one set of information in one window and a second

set in a separate window (col. 1, ll. 28-35). Switching back and forth between windows could be slow, was generally not intuitive, and could result in errors (col. 1, ll. 26-39).

PRINCIPLES OF LAW

Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406, 127 S. Ct. 1727, 1734 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) where in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). *See also KSR*, 550 U.S. at 407, 127 S. Ct. at 1734 ("While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.")

ANALYSIS

We find Penn teaches associating a first set of information with a first locale designation and a second set of information with a second locale designation. Specifically, Penn teaches display of location information for a particular nation (FF 2). The country page provides information associated with two different locales – an English speaking country and a Chinese speaking locale. Thus, we find each display represents a particular

geographic area and has associated properties that define how the information should be displayed (in English, a first language of a particular geographic area and Chinese, a language of a second geographic area). Therefore, we find Penn teaches a first set of information is associated with a first locale designation and a second set of information is associated with a second locale designation.

Accordingly, after considering the totality of the circumstances before us, Appellants have/have not failed to persuade us of error in the Examiner's conclusions of obviousness with respect to claims 1-12 and 23-32.

CONCLUSION

Appellants have not shown the Examiner erred in finding claim 13 is anticipated by Penn. Since claims 14-22 depend either directly or indirectly from representative and independent claim 13 and were not argued separately, claims 14-22 fall with representative claim 13. Accordingly, Appellants have not shown that the Examiner erred in rejecting claims 13-22 under 35 U.S.C. § 102(e) as being anticipated by Penn.

Appellants have not shown that the Examiner erred in finding claim 1 is obvious over Penn and Lebling. Since claims 11, 12 and 23-32 either depend from or are grouped and/or argued with representative and independent claim 1 and were not argued separately, claims 11, 12 and 23-32 are likewise found to be obvious over Penn and Lebling. Accordingly, Appellants have not shown the Examiner erred in rejecting claims 1-12 and 23-32 under 35 U.S.C. § 103(a) for obviousness over Penn and Lebling.

DECISION

The Examiner's rejection of claims 13-22 under 35 U.S.C. § 102(e) as being anticipated by Penn is affirmed.

The Examiner's rejection of claims 1-12 and 23-32 under 35 U.S.C. § 103(a) as being obvious over Penn and Lebling is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2009).

AFFIRMED

Vsh

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